

**REMARKS**

Claims 2-11 are pending in this application. Claims 2-5 stand rejected. Applicant wishes to thank the Examiner for the indication of allowable subject matter in claims 5-11. By this Amendment, claim 1 is cancelled without prejudice and claims 2, 3, and 5 have been amended. The amendments made to the claims do not alter the scope of these claims, nor have these amendments been made to define over the prior art. Rather, the amendments to the claims have been made for cosmetic reasons to improve the form thereof. In light of the amendments and remarks set forth below, Applicant respectfully submits that each of the pending claims is in immediate condition for allowance.

Claims 1, 2, and 4 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,689,813 ("Seki") in view of U.S. Patent No. 6,687,515 ("Kosaka"). Applicant respectfully traverses this rejection.

To establish a *prima facie* case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or combine references to arrive at the claimed subject matter. The prior art references must also teach or suggest all the limitations of the claim in question. See, M.P.E.P. § 706.02(j). A reference can only be used for what it clearly discloses or suggests. See, In re Hummer, 113 U.S.P.Q. 66 (C.C.P.A. 1957); In re Stencel, 4 U.S.P.Q.2d 1071, 1073 (Fed. Cir. 1987). Here, the references, whether taken individually or in combination, do not disclose or suggest the invention claimed by the Applicant.

Among the limitations of independent claim 2 not present in the cited references is setting means for setting whether or not the reception electric field intensity image should be transmitted. The Office Action asserts that this feature is

disclosed in Seki at column 5, lines 20-37. Applicants respectfully disagree with this assertion.

In Seki, at column 5, lines 20-37, Seki discloses that there are four intensity level signals which can be transmitted between the various communication apparatuses. These intensity level signals show the user of the apparatus that one apparatus can communicate with the other apparatus. However, there are no setting means for setting whether or not the reception electric field intensity image should be transmitted as explicitly recited in Applicant's claim. In Seki, these levels are predetermined and there are no setting means for setting whether or not the reception electric field intensity image should be transmitted as explicitly recited in Applicant's claim. Thus, Applicant respectfully submits that new independent claim 2 is allowable over the cited reference.

Claims 3 and 4 depend either directly or indirectly from, and contain all the limitations of claim 2. These dependent claims also recite additional limitations which, in combination with the limitations of claim 2, are neither disclosed nor suggested by Seki and are also believed to be directed towards the patentable subject matter. Thus, claims 3 and 4 should also be allowed.

Applicant has responded to all of the rejections and objections recited in the Office Action. Reconsideration and a Notice of Allowance for all of the pending claims are therefore respectfully requested.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

Application No.: 09/975,233

Docket No.: H2041.0064

If the Examiner believes an interview would be of assistance, the Examiner is welcome to contact the undersigned at the number listed below.

Dated: July 8, 2005

Respectfully submitted,

By 

Ian R. Blum

Registration No.: 42,336

DICKSTEIN SHAPIRO MORIN & OSHINSKY  
LLP

1177 Avenue of the Americas  
New York, New York 10036-2714  
(212) 835-1400  
Attorneys for Applicant

IRB/mgs